

### Remarks

In the application, claims 1 through 3 and 7 through 9 are currently pending. No claims have been allowed.

The non-final Office Action dated July 22, 2009, has been carefully considered. Claims 1 through 3 and 7 through 9 are rejected under 35 U.S.C. § 103(a) as obvious in light of U.S. Patents 6,804,219 (“Koo”), 6,229,795 (“Pankaj”), and 6,671,511 (“Forssell”).

### The § 103(a) Rejections

The presently pending claims are directed toward keeping a data channel open even after all available data have been sent. The channel is kept open for a while to avoid suffering a delay in re-opening the channel if more data become available to send. The data channel is kept open in the absence of more data to send for the duration of a timer period.

The presently pending independent claims 1 and 7 discuss a particular method for keeping that data channel open: “Dummy” data are sent over the data channel. The Office Action cites Forssell as teaching this aspect of the present invention.

However, the Applicants respectfully submit that Forssell does not teach the following element of claims 1 and 7:

delaying termination of the TBF by *transmitting dummy data over the wireless data channel*.

(Emphasis added. Quoted from claim 1; claim 7 has a similar element.) Forssell does discuss keeping the TBF open when there are no more data to send (Forssell, column 11, lines 40 through 56). However, Forssell’s method involves either (1) adding a bit in the RLC/MAC data-block header (ibid, lines 44 through 51) or (2) a simple timer (ibid, lines 51 through 56). In another context, Forssell mentions the Packet Dummy Control Block (ibid, line 39). However, as is well known in the art, the Packet Dummy Control Block is sent over a *signaling channel* rather than over the *data channel* as required in the presently pending claims 1 and 7.

Because Forssell does not teach *transmitting dummy data over the data channel* to keep the TBF open, independent claims 1 and 7 are patentable over Forssell and over the other cited art. The pending dependent claims include by reference all of the limitations of their antecedent independent claims and so are patentable for at least the same reasons as given above.

### **Conclusion**

This application is considered to be in good and proper form for allowance, and the Applicants request that the Examiner pass this application on to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the Applicants' representative at the number given below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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